



July 2, 2013

Kent Walker
Senior Vice President and General Counsel
Google, Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Walker,

We are writing in regard to an alarming trend involving videos appearing on Google's video subsidiary, YouTube. During a panel at the June 2013 meeting of the National Association of Attorneys General entitled "Intellectual Property Crimes Online: Dangerous Access to Prescription Drugs and Pirated Content", we learned of Google's business practice of "monetizing" certain videos. As we understand the process, video producers are asked prior to posting whether they will allow YouTube to host advertising with the video and, for those who consent, the advertising revenue is shared between the producer and Google. While this practice itself is not troubling, we were disappointed to learn that many such monetized videos posted to YouTube depict or even promote dangerous or illegal activities. Specific examples were provided to the panel, including the following:

- Videos produced by foreign "pharmacies" that promote the sale of prescription drugs such as oxycontin, percocet and others without a prescription. When the user clicks on the video, advertisements for "MacKeeper" appear both in the sidebar and embedded within the video. It is our understanding that Google and the video poster share in the profits from this advertising revenue.
- Videos providing how-to guides for creating forged driver licenses and passports that include sidebar advertisements for immigration lawyers. It is our understanding that Google and the video poster share in the profits from this advertising revenue.
- Videos promoting the sale of counterfeit merchandise that include sidebar advertisements for weight loss strategies. It is our understanding that Google and the video poster share in the profits from this advertising revenue.

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As state Attorneys General, we are committed to ensuring the safety of our citizens. In light of this, we and many of our colleagues were deeply concerned to learn of Google's financial partnership with the posters of these videos. Not only are the activities depicted or promoted in the above-described videos illegal in and of themselves, but in the case of document forgery, the how-to guide could be instrumental in the commission of other crimes ranging from under-age drinking to acts of terrorism. We understand that YouTube is an open platform and that not all content can or should be policed. Nevertheless, the fact that Google actively seeks to profit from the posting of these types of videos on YouTube – a website known to be particularly popular among children and teens – is very troubling.

In addressing this issue, we cannot ignore the related issues brought to Google's attention recently by our colleagues in other states. As you will recall, several Attorneys General have expressed great concern regarding the prominent appearance of websites advertising counterfeit and pirated merchandise and illegal prescription drugs in results generated by Google's search engine. In April of this year, Google responded to these concerns by touting its efforts to address these issues. Specifically, with regard to the advertising of counterfeit goods, Google wrote that it has "dedicated considerable human and engineering resources across the company to develop and implement measures to root out counterfeit [sic] from our ad networks." Similarly, Google emphasized its commitment "to stopping the problems of online pharmacy advertising at the source...[and providing] criminal referrals to law enforcement in the US regarding rogue pharmacies that have attempted to abuse our systems." That commitment is not consistent with Google receiving advertising revenue from content that promotes illegal conduct.

We are in receipt of your letter dated June 26, 2013 which contained copies of information Google provided to Attorneys General Hood, Cuccinelli and Louie. The information provided in your correspondence fails to adequately address our concerns. We would like more information regarding the extent of Google's monetization of YouTube videos. Accordingly, we ask that you respond to the attached requests for information within 30 days of receiving this letter. The information you provide in response to these requests will help guide our future inquiry into this topic. It is our sincere hope to work collaboratively with you to find an agreeable solution to the concerns set forth in this letter. Nevertheless, we feel that you should know at the outset that we take these issues very seriously and are prepared to take appropriate action to safeguard our citizens.

Sincerely,



Jon Bruning
Nebraska Attorney General



Scott Pruitt
Oklahoma Attorney General

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Requests for Information

- 1) Please provide the number of videos that were removed between January 2011 and the end of June 2013 for violating YouTube policies that prohibit the posting of illegal and objectionable content.
- 2) Of the number of videos provided in response to Request #1, please provide (a) the number that had been monetized by Google, as that term is used in this letter, prior to their removal, and (b) the total revenue derived by Google from the advertising associated with those videos.
- 3) Please explain what measures, if any, Google has taken to (a) avoid hosting paid advertising on videos containing illegal or objectionable content, (b) remove paid advertising from videos containing illegal or objectionable content once such videos are discovered.
- 4) Based on search results, it appears that an inordinately large number of videos containing potentially objectionable content were removed in the week following a June 7, 2013 article in the USA Today detailed these issues. Please describe any and all measures used to remove these videos and explain why the videos were removed.